

Rec'd PCT/PTO 10 JUN 2002

5977-01-CA

#8

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT : Cox, et al

EXAMINER : Unknown

SERIAL NO. : 09/936,680

ART UNIT : Unknown

FILED : June 7, 2001

PAPER NO :

FOR : A NOVEL FAMILY OF BETA SUB-UNIT PROTEINS FROM A
VOLTAGE-GATED SODIUM CHANNEL, NUCLEIC ACIDS ENCODING
THEM AND THERAPEUTIC OR DIAGNOSTIC USES THEREOF

AMENDMENT AND RESPONSE

Commissioner for Patents
United States Patent and Trademark Office
Box PCT
Washington, D.C. 20231

Dear Sir:

In response to the Notification of Defective Response under 35 U.S.C. § 371, mailed April 4, 2002, Applicants provide the following response.

Applicants state that the contents of the previously filed paper sequence listing and the computer readable form are identical and include no new matter; the sequence listing information recorded in computer readable form is identical to the written sequence listing.

Please enter the attached written sequence listing (paper copy) and computer readable form (CRF) of the "Sequence Listing" into the file of the above-referenced application.

No new matter is added by way of this submission which is being made as a bona fide attempt to fulfill the Sequence Listing requirements in accordance with 37 C.F.R. 1.821(e) as identified in the Notification of Defective Response mailed April 16, 2002.

Dated: 6-10-02

Respectfully submitted,

Eric J. Baude

Eric J. Baude
Registration No. 47,413
Warner-Lambert Company
2800 Plymouth Road
Ann Arbor, MI 48105
Telephone: (734) 622-2095
Facsimile: (734) 622-1553

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s):

Docket No.

5977-01-EJB

Serial No.
09/936,680Filing Date
7-Jun-2001Examiner
UnknownGroup Art
Unknown**Invention:**

A NOVEL FAMILY OF BETA SUB-UNIT PROTEINS FROM A VOLTAGE-GATED SODIUM CHANNEL, NUCLEIC ACIDS ENCODING THEM AND THERAPEUTIC OR DIAGNOSTIC USES THEREOF

I hereby certify that this

Amendment and Response*(Identify type of correspondence)*

Is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231
on June 10, 2002

*(Date)***Nancy Dernbach***(Typed or Printed Name of Person Mailing Correspondence)*
*(Signature of Person Mailing Correspondence)***EF220793446US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/936,680	Peter Cox	5977-01-SB EJB

RECEIVED

Warner Lambert Company
 2800 Plymouth Road
 Ann Arbor, MI 48105

APR 24 2002

AA PATENT DEPT.

INTERNATIONAL APPLICATION NO.

PCT/EP00/01783

I.A. FILING DATE

02/27/2000

PRIORITY DATE

04/15/1999

CONFIRMATION NO. 8893
 371 FORMALITIES LETTER



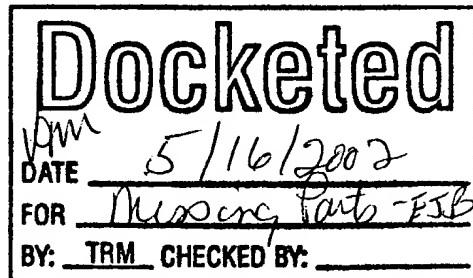
OC000000007868237

Date Mailed: 04/16/2002

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Request for Immediate Examination



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- Computer Readable Diskette has not been received.
- **APPLICANT MUST PROVIDE:**
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an

amendment directing its entry into the specification.

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/936,680	PCT/EP00/01783	5977-01-SD

FORM PCT/DO/EO/916 (371 Formalities Notice)

**TRANSMITTAL LETTER
(General - Patent Pending)**

Docket No.
5977-01-EJB

In Re Application Of: Cox, et al

Serial No.
09/936,680

Filing Date
June 7, 2001

Examiner
Unknown

Group Art Unit
Unknown

Title: A NOVEL FAMILY OF BETA SUB-UNIT PROTEINS FROM A VOLTAGE-GATED SODIUM CHANNEL,
NUCLEIC ACIDS ENCODING THEM AND THERAPEUTIC OR DIAGNOSTIC USES THEREOF

TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Fee Transmittal

Petition for Extension of Time

Amendment and Response to Notification of Defective Response

Sequence Listing (paper and disc)

Copy of Notification of Defective Response mailed 04/16/2002; Certificate of Express Mail; Return Postcard

in the above identified application.

- No additional fee is required.
- A check in the amount of _____ is attached.
- The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. 23-0455 as described below. A duplicate copy of this sheet is enclosed.
 - Charge the amount of _____
 - Credit any overpayment.
 - Charge any additional fee required.

Eric J. Baude
Signature

Dated: June 10, 2002

Eric J. Baude
Registration No. 47,413
Warner-Lambert Company
Patent Department
2800 Plymouth Road
Ann Arbor, MI 48105
Tel. (734) 622-2095
Fax (734) 622-1553

I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 110.00)

Complete if Known	
Application Number	09/936,680
Filing Date	June 7, 2001
First Named Inventor	Cox, et al
Examiner Name	Unknown
Group Art Unit	Unknown
Attorney Docket No.	5977-01-EJB

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																																																																																																	
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to: Deposit Account Number 23-0455 Deposit Account Name Warner-Lambert Company <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		3. ADDITIONAL FEES <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Large Entity</th> <th style="text-align: left;">Small Entity</th> <th style="text-align: right;">Fee Description</th> <th style="text-align: right;">Fee Paid</th> </tr> <tr> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee</th> <th></th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td><td style="text-align: right;">110.00</td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="4">Other fee (specify) _____</td><td></td><td></td></tr> <tr> <td colspan="2">SUBTOTAL (1) (\$ 0.00)</td> <td colspan="2">SUBTOTAL (3) (\$ 110.00)</td> </tr> <tr> <td colspan="4">*or number previously paid, if greater; For Reissues, see above</td> <td colspan="2"></td> </tr> </tbody> </table>		Large Entity	Small Entity	Fee Description	Fee Paid	Fee Code (\$)	Fee Code (\$)	Fee		105	130	205	65	Surcharge - late filing fee or oath		127	50	227	25	Surcharge - late provisional filing fee or cover sheet		139	130	139	130	Non-English specification		147	2,520	147	2,520	For filing a request for ex parte reexamination		112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		115	110	215	55	Extension for reply within first month	110.00	116	390	216	195	Extension for reply within second month		117	890	217	445	Extension for reply within third month		118	1,390	218	695	Extension for reply within fourth month		128	1,890	228	945	Extension for reply within fifth month		119	310	219	155	Notice of Appeal		120	310	220	155	Filing a brief in support of an appeal		121	270	221	135	Request for oral hearing		138	1,510	138	1,510	Petition to institute a public use proceeding		140	110	240	55	Petition to revive - unavoidable		141	1,240	241	620	Petition to revive - unintentional		142	1,240	242	620	Utility issue fee (or reissue)		143	440	243	220	Design issue fee		144	600	244	300	Plant issue fee		122	130	122	130	Petitions to the Commissioner		123	50	123	50	Processing fee under 37 CFR 1.17(q)		126	180	126	180	Submission of Information Disclosure Stmt		581	40	581	40	Recording each patent assignment per property (times number of properties)		146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))		149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))		179	710	279	355	Request for Continued Examination (RCE)		169	900	169	900	Request for expedited examination of a design application		Other fee (specify) _____						SUBTOTAL (1) (\$ 0.00)		SUBTOTAL (3) (\$ 110.00)		*or number previously paid, if greater; 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Name (Print/Type)	Eric J. Baude	Registration No. (Attorney/Agent)	47,413	Telephone	(734) 622-2095																																																																																																																																																																																														
Signature	<i>Eric J. Baude</i>	Date	06/10/2002																																																																																																																																																																																																

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.